

REMARKS

Claims 1, 8, and 16 have been rejected under 35 U.S.C. 102(b) as being anticipated by Ratzlaff et al. (6,029,434). This rejection is respectfully traversed.

With regard to claims 1 and 8: Ratzlaff et al. do not disclose “a pair of augers on at least one of a right side and a left side of the pickup header.” Ratzlaff et al. disclose the use of only a single auger on a given side of their header. For these claims to read on Ratzlaff et al., Ratzlaff et al. would have had to disclose a plurality of augers on one side of the header. No such disclosure exists in Ratzlaff et al.

However, as the Examiner kindly pointed out, Grahl et al (6,601,375) and Drummond (3,412,535) show a pair of augers on at least one side of the header. To differentiate claims 1 and 8 from the aforementioned disclosures, each of these two claims has been modified to include teeth associated with the header, which Drummond does not show; and limiting both augers to stub augers, which are not shown in Grahl et al. These amendments find support in all the Figures and descriptions thereof.

Claims 1, 8, 15, and 16–17 were rejected under U.S.C. 102(b) as being anticipated by Engel et al. (5,848,523). This rejection is respectfully traversed.

Independent claims 1 and 8 both recite a plurality of augers on at least one side of the header. Engel et al. do not disclose the use of a plurality of augers on either or both sides of the header. Such a pair of augers is believed to be more effective in moving crop material than a single auger such as shown in Engel et al. Fig. 2.

Claims 1, 7, 8, 14, and 16 were rejected under U.S.C. 102(b) as being anticipated by Grahl et al. (6,601,375). This rejection is respectfully traversed.

As mentioned above, claims 1 and 8 have been amended, limiting both augers to stub augers, which are not shown in Grahl et al.

Claims 2–6, 14–17 were rejected under 35 U.S.C. 103(b) as being unpatentable over Ratzlaff et al. or Engel et al. or Grahl et al. in view of Bohman et al. This rejection is respectfully traversed.

Claims 2, 4, and 6 are currently amended to limit the rotation of the teeth to the header axis, only. It has been shown, above, that Ratzlaff et al., Engel et al., and Grahl et al. did not anticipate amended independent claim 1. Because the teeth of Bohman et al. rotate about the header axis (central shaft 27) as well as axes at the root of the individual teeth (see bars 23 Figs. 2–3). As it is believed amended claim 2 is now allowable, and because claims 3 and 5 depend on claim 2, it is also believed claims 3 and 5 are allowable.

Claims 14–17 depend on amended claim 8, which is now assumed allowable, making claims 14–17 also allowable.

In the *Response to Arguments* section of the office action, it is written, ‘...in claim 1 & 8 it is recited that “a pair of augers on at least one of a right side **and** a left side of the pickup header.” It is respectfully pointed out that no such language is found in claim 1. It is further noted that “at least one of the right and left sides” implies one of the two sides or both sides. For this to read on a prior art reference, the prior art reference must show a pair of augers on one side of the header or on both sides of the header. “At least one of a right side **or** a left side” may be construed to imply that both sides will not have a pair of augers. Applicants do not wish to limit the language thus. Neither language suggests only a single auger on each side.

The office action (paragraph 6) further states, ‘The claims recites [*sic*] “at least...” which is interpreted that the augers can be on two sides.’ Applicants agree that augers may be present on both sides. However, the claims recite “at least one *pair* of augers” (claim 1) and “a *pair* of augers” claim 8 (emphasis added) on at least one of these sides of the header. Therefore, only a single auger on each side of the header does not satisfy this wording.

As claims 2–7 and 17 depend on claim 1 and claims 9–16 depend on claim 8, and because it has been clearly shown that amended claims 1 and 8 were not anticipated by Ratzlaff et al., Engel et al. or Grahl et al. and are therefore allowable, claims 2–7, 9–16, and 17 are also believed to be allowable.


Claims 18–21 are new and are differentiated from the prior art by specifying the bottom of the lower auger to be aligned with the top of the pickup header and that the pair

of augers are entirely positioned outside the width of the bale forming chamber. A Fig. 2a with comments and the top plane highlighted is included with this amendment to make it easier for Examiner Kovács to quickly understand new claims 18–19. This figure is *not* intended to be an amended version of Fig. 2a.

Accordingly, because all remaining claims 1–21 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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